REMARKS

A supplemental Information Disclosure Statement is being filed herewith submitting copies of references previously listed, but not considered. Applicant respectfully requests acknowledgement of consideration.

Claims 1-4, 16, 17, 18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (4,932,965) in view of SU 513696.

Applicants respectfully traverse the rejection of the claims. The present invention relates to the use of a visual indicator associated with the strands of a suture system in which two strands are attached to the same needle and can be visually distinguished from each other.

Phillips does not teach or suggest the recited solution to this problem. Phillips utilizes different colors for different sutures 26, i.e., for different pairs of needles. By only using two needles connected by a single suture strand (see Fig. 2 where each suture 26 has opposite ends 28 and 30, which are the same color), Phillips does not have the problem of having the same color strands passing through the same hole. Phillips does not teach or suggest a structure in which a particular needle is attached to two suture strand portions that can be visually

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

distinguished from each other. Phillips does not address the problem the present invention is meant to solve. When a double stranded suture is employed, there are two strands that follow a needle through the same hole in the tissue. Because the two strands are positioned in the same hole they can not readily be distinguished from each other without use of the present invention. For Philips, the different sutures are spatially separated and thus does not address the same problem. If Philips attempted to pass two needles through the same hole, there is a risk of what has been termed a "William Tell" (see page 8, lines 3-14 of the application) where the second needle actually goes through the first suture strand that was previously inserted, thereby risking a break of the suture and/or bleeding through the hole. The alleged combination of Philips with SU 513696 is not obvious because there is no teaching that different color suture threads be attached to the same needle. Additionally, the SU 513696 reference does not disclose or suggest that the device is suitable for suturing a prosthetic implant. The remaining references fail to suggest that a plurality of double stranded sutures be used for suturing a prosthetic device.

Claims 5 and 17 have been amended to further distinguish over the cited combination of references.

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Claims 5-8, 10, 11 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Soviet Patent No. 513696 ('696) and further in view of Phillips.

Applicants respectfully traverse this rejection of the claims. The SU 513696 reference uses thread (1) with 3 needles with no way to distinguish between thread segments passing through the same hole (e.g. 6 and 7). Additionally, the SU 513696 reference relates to the joining of two tissue layers (3 + 4) and does not disclose or suggest the use of the system for suturing a prosthetic device. However, Phillips does not suggest the solution provided by the present invention. Phillips teaches that different colored threads be attached to different needles. Phillips does not teach that two different threads, that are distinguishable from each other, can be attached to the same needle.

The rejection of claims 15 and 19 are believed to be obviated in view of the above amendments and remarks. New claims 21-24 have been added for consideration.

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

COHN ET AL.

By: 
Thomas O. Hoover
Registration No. 32,470
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

TOH/trb

370878.1

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313